

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JABAR HALLY,
11 Petitioner,

No. CIV S- 04- 0828 RRB¹ CMK P

12 vs.
13 A.K. SCRIBNER, Warden,
14 Respondent.

14 _____/ ORDER

15 On January 26, 2007, petitioner filed a request for a second extension of time to
16 file objections to the court's December 14, 2006 findings and recommendations. Good cause
17 appearing the court will grant this request. Petitioner also filed a motion for appointment of
18 counsel. There currently exists no absolute right to appointment of counsel in habeas
19 proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C.
20 § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice
21 so require." See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does
22 not find that the interests of justice would be served by the appointment of counsel at the present
23 time.

24 ///

25 ///


26 _____
¹This matter was reassigned from the Honorable David F. Levi for all further proceedings
on November 22, 2006. (Doc. 18.)

1 IT IS ORDERED THAT:

2 1. Petitioner is granted an extension of thirty days from the date this order is filed
3 to file objections to the December 14, 2006 findings and recommendations.

4 2. Petitioner's motion for appointment of counsel is denied without prejudice.
5

6 DATED: January 29, 2007.

7
8 
9 **CRAIG M. KELLISON**
UNITED STATES MAGISTRATE JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26